

**ILLINOIS COMMERCE COMMISSION**

**DOCKET No. 14-\_\_\_\_\_**

**DIRECT TESTIMONY**

**OF**

**AMANDA SLOAN**

**Submitted On Behalf**

**Of**

**AMEREN TRANSMISSION COMPANY OF ILLINOIS**

**JUNE 23, 2014**

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7    **I.     INTRODUCTION**

8    **Q.     Please state your name, business address and present position.**

9    A.     My name is Amanda Sloan. My business address is 3200 Pleasant Run, Springfield,  
10   Illinois. I am a Project Manager for Contract Land Staff, LLC (CLS), which is providing land  
11   right acquisition and related services to Ameren Transmission Company of Illinois' (ATXI or the  
12   Company) for its Illinois Rivers transmission Project (the Project).

13   **Q.     Please summarize your educational background and professional experience.**

14   A.     My educational background and professional experience is attached as an Appendix to  
15   this testimony.

16   **Q.     What are your duties and responsibilities in your present position?**

17   A.     I am the CLS Project Manager assigned to the Project. I am responsible for overall  
18   management of the CLS acquisition agents, permitting agents, and administrative personnel  
19   working to secure necessary land rights for the Illinois Rivers Project. I oversee CLS field  
20   personnel who are located in our Project regional office in Springfield, Illinois. These field leads  
21   and acquisition agents are tasked with meeting and negotiating with property owners impacted

22 by the Project. I report to Nick Anitsakis, CLS Electric Project Director.

23 **Q. What is the purpose of your testimony in support of this Petition?**

24 A. The purpose of my direct testimony is to describe the process by which CLS, on behalf of  
25 ATXI, negotiates with landowners to secure land rights for the Illinois Rivers Project. I also  
26 provide details regarding the individual landowner negotiations for those properties over which  
27 ATXI is seeking eminent domain authority in this proceeding.

28 **Q. Are you sponsoring any exhibits in support of your testimony?**

29 A. I am sponsoring the following exhibits:

- ATXI Exhibit 2.1 • Summary of Landowner Contacts
- ATXI Exhibit 2.2 • Summary of Compensation Offers (Confidential)
- ATXI Exhibit 2.3 • Group Exhibit of Landowner Specific Documentation
- ATXI Exhibit 2.4 • Sample of aerial image depicting preliminary structure locations
- ATXI Exhibit 2.5 • Land Acquisition Agent Assignment Policy

30 **Q. What does ATXI Exhibit 2.3 contain?**

31 A. ATXI Exhibit 2.3 is a group exhibit broken down into a packet of documentation specific  
32 to each owner of the Unsigned Properties. Each packet includes the following: (1) a narrative  
33 summary of issues the landowner raised during negotiations and ATXI's efforts to address those  
34 issues; (2) a completed agent checklist; (3) a map of each property at issue; and (4) a map or  
35 preliminary sketch of each property, including the legal description of the easement ATXI is  
36 seeking. For ease of use, a table of contents is provided for the entire exhibit.

37 **II. LAND RIGHTS ACQUISITION SERVICES PROVIDED BY CLS**

38 **Q. Please explain the nature of the services provided by CLS.**

39 A. CLS is a nationwide land consulting firm that provides services associated with the  
40 acquisition of easements for infrastructure projects. CLS specializes in electric and pipeline  
41 easement acquisitions along with project management and consulting. CLS was established in  
42 1985 with its regional electric transmission office located in Waterloo, Iowa and corporate  
43 headquarters in Sugar Land, Texas.

44 **Q. What is CLS's role in ATXI's efforts to acquire land rights for the Illinois Rivers**  
45 **Project?**

46 A. ATXI retained CLS as a contractor to assist the Company with acquiring the necessary  
47 land rights for the Illinois Rivers Project. CLS is responsible for overall project management for  
48 the acquisition of land rights, easements and permits. We provide experienced survey and land  
49 agents to negotiate on behalf of ATXI with the property owners. These land agents have  
50 significant experience in negotiating for the acquisition of property rights to be used in  
51 infrastructure projects, and act as an intermediary between landowners and ATXI.

52 ATXI and CLS have the mutual goal of treating each landowner along the project  
53 equitably and fairly. In furtherance of that goal, CLS agents negotiate personally with each  
54 landowner, make efforts to understand and resolve their individual concerns, answer questions,  
55 and relay the landowners' counteroffers, routing and language requests to ATXI.

56 **Q. What is your role as Project Manager?**

57 A. I supervise the land agents, who report to their direct supervisors and me, on the progress  
58 of negotiations. I and/or the land agent supervisors meet with the individual agents on a regular

basis, either in our offices or via teleconference, to discuss the status of negotiations on the tracts to which they have been assigned. I review the land agents' records regarding contacts with landowners on a regular basis. I meet or speak with ATXI representatives, including Mr. Rick Trelz, on an on-going, as needed basis, to report on acquisition status and discuss concerns, counteroffers, and language requests. I also participate in weekly meetings with ATXI engineering personnel in order to discuss requests related to structure placement and/or route alignment.

**Q. Are you responsible for assigning agents to specific landowners?**

A. Yes, along with their land agent supervisors.

**Q. How did you initially assign a specific agent to a specific landowner?**

A. When landowner contacts began along the Sidney to Rising portion of the Project, CLS considered the following factors in assigning land agents: (i) regional proximity of the landowners to each other (so that a single agent can cover a single area), (ii) commonality of ownership (so that one agent is responsible for all parcels under common ownership), (iii) commonality of legal representation (so that one agent is responsible for all parcels under common representation), and (iv) landowner preference. However, these factors were not always immediately apparent or may have been inconsistent: for example, two landowners in close proximity may end up retaining different attorneys at different times or individuals not realized to be family may have a request to work with the same agent. Thus, when any additional or new factor came to CLS's attention, the assigned agent may have been changed. Other instances that may have resulted in land agent reassignment include personality differences

80 or staffing changes. However, even in these circumstances, CLS did try to limit changing the  
81 agent who has conducted negotiations.

82 **Q. Were there other instances when a different agent may have contacted landowners?**

83 A. Yes. Another instance where a different agent may have contacted a landowner was  
84 during the survey process, which is a separate process from the land right negotiations.

85 **Q. Are you aware of Commission and Staff concerns with this aforementioned policy?**

86 A. Yes. I am aware that despite CLS efforts to limit the number of agents contacting an  
87 individual landowner, the Commission and the ICC Staff believe that ATXI and CLS should take  
88 additional steps to limit the number of land agents contacting an individual landowner.

89 **Q. What steps has CLS taken to limit the number of agents?**

90 A. While CLS cannot change the number of agents that may have contacted different  
91 landowners in the past, for future negotiations, CLS is implementing a new policy, with the goal  
92 of having a single land agent be the point of contact for the landowner from the beginning of the  
93 survey process throughout the negotiation phase and hopefully toward completion of a mutually  
94 satisfactory agreement. This policy is attached as ATXI Exhibit 2.5.

95 **Q. Please explain this new policy.**

96 A. The new policy will be implemented effective June 23, 2014. Under this policy, each  
97 landowner will be assigned a single land agent, who will be the single, primary contact for all  
98 landowner communications, including both land acquisition and survey related communications.  
99 The initial assignment of the land agent to an individual landowner will be based on the

100 following factors, to the extent they are known by CLS, (i) continuity of ownership, (ii)  
101 continuity of location, (iii) attorney representation, (iv) landowner conflicts, and (v) staffing.

102 **Q. Who will contact the landowner to obtain landowner consent to conduct surveys**  
103 **under this new policy?**

104 A. Under this new policy, the land agent will contact the landowner regarding survey  
105 consent and notifications. ATXI will designate a Survey Coordinator that will oversee the  
106 survey notifications made by the Land agent.

107 **Q. Would a landowner be able to request a change in Land agent?**

108 A. Yes. The policy anticipates that there may be certain circumstances where the land agent  
109 for a particular landowner will change. Under the policy, a land agent can change following a  
110 documented landowner request or a landowner's attorney's request.

111 **Q. Can assignments change in other circumstances?**

112 A. Yes, but only in limited, documented, situations. Such situations include the documented  
113 departure of the land agent from employment with ATXI or CLS and other material  
114 circumstances where ATXI believes an agent change is required to make reasonable acquisition  
115 attempts.

116 **Q. Will the landowner be informed of any change in their land agent?**

117 A. Yes. Going forward, if the land agent is changed for any reason an explanation for the  
118 land agent change will be documented in the landowner's file and communicated to the  
119 landowner.



**Q. Are there any other instances when another CLS employee may contact an individual landowner?**

A. Yes. The supervisor or manager of the land agent may contact the landowner in an effort to resolve certain issues and/or expedite the negotiation process. However, the role of the manager or supervisor will be communicated to the landowner and will not change the assignment of the land agent.

**III. LANDOWNER CONTACT**

**Q. Please explain the process by which CLS, on behalf of ATXI, begins negotiations to acquire the necessary land rights across the affected properties.**

A. As explained by Mr. Trelz, fourteen (14) days after the letter and Statement of Information was mailed to landowners along the Sidney to Rising segment of the route, CLS personnel contacted landowners to discuss the Project in detail. Contact was made in person, if possible, and was intended to inform the landowners of both the reason for contact and the purpose of the Project. CLS, at ATXI's direction, provided landowners with a written statement of the Project's purpose, a small-scale map, and a property-specific option exhibit (sketch), as well as information regarding the type and location of the proposed facilities. A sample landowner packet is attached to Mr. Trelz's direct testimony as ATXI Exhibit 1.2. CLS also presented ATXI's compensation offers and explained that the offers were based on a third-party independent appraiser's determination of the market value of each property. A copy of the individual property calculation worksheet was provided to each landowner. Additionally, when completed, the individual appraisal of each property was also provided to each landowner of the Unsigned Properties. Further, CLS agents made themselves available for discussion and

142 negotiations, as required and/or requested by each landowner.

143 **Q. How many times has ATXI or CLS contacted the owners of the Unsigned**  
144 **Properties?**

145 A. The number of specific contacts for the Unsigned Properties is detailed on ATXI Exhibit  
146 2.1 and further described in ATXI Exhibit 2.3. ATXI Exhibit 2.2 contains information on  
147 appraisals, offers to landowners and any counteroffers.

148 **Q. What happens after contact is initiated?**

149 A. Often the landowners will have questions or concerns about compensation, pole  
150 placement or the easement language. CLS agents seek to address the questions or concerns. In  
151 many cases, a landowner will make a counteroffer to ATXI's offer. CLS agents forward the  
152 counteroffers and supporting information to ATXI and the appraisers for their review. CLS  
153 works with ATXI to respond promptly to all counteroffers made by landowners and to address  
154 each landowner's non-compensation related concerns. I discuss these items in more detail  
155 below.

156 **IV. EXPLANATION OF INITIAL OFFERS**

157 **Q. Do land agents explain the basis for its offers of compensation to landowners?**

158 A. Yes. Land agents provided each landowner along the transmission line route and/or their  
159 attorney a calculation sheet stating the total market value of the land, the easement acreage, the  
160 percentage of market value that ATXI proposed the easement should be valued at, and the  
161 compensation offer itself. Additionally, CLS agents inform landowners and/or their attorneys  
162 that the initial offer was based on a third party, independent appraiser's determination of the

market value of their property, inform the landowners or their attorneys that the initial offer was a higher percent value for the easement than the appraisals had been determined, and provided a copy of the appraisal.

**Q. What other efforts did the land agents make to inform the landowner about the location of the transmission line on their property?**

A. If the landowner allowed a land agent to meet with them, the land agent provided the Option Exhibit that shows the intended location of the easement. The land agent also provided each landowner an aerial image of the preliminary location of each of the structures that ATXI was planning to construct within the easement, if one was available at the time. A sample of this printout is included as ATXI Ex. 2.4. Agents informed the landowners that these locations might change due to soil boring information, final ground survey and final line design.

**Q. In the event that a landowner makes a counteroffer, what process do CLS agents follow?**

A. CLS agents document the counteroffer into our proprietary database software and report the counteroffer to their supervisor. Additionally, land agents encourage landowners to obtain an appraisal and inform landowners that ATXI will consider other current appraisals or comparable sales when assessing their counteroffer. From there, we provide any information we receive from the property owner to the appraiser on whose opinion ATXI's initial offer was based, to determine if the information provided would change the easement valuation. Upon an appraiser review of the landowner's supporting documentation, the appraiser's determination and the landowner's information is provided to ATXI and a determination is made whether to accept, counter, or reject the counteroffer. When a determination has been made on the counteroffer

information, I communicate the determination to the land agent so the agent can then communicate this to the property owner. Mr. Trelz further explains ATXI's response to landowner counteroffers.

**Q. What reasons have the owners of the Unsigned Properties given for refusing ATXI's offers?**

A. A common reason given by these landowners is that the level of compensation is too low, in some cases citing damage to the remainder or a difference of opinion regarding the appropriate level of compensation. In addition, some landowners have requested changes to the easement document or changes to the location of structures. These requests, and ATXI's responses, are discussed individually in ATXI Exhibit 2.3.

**Q. How did CLS address the compensation-related concerns these landowners have raised?**

A. For landowners who disagreed with ATXI's offered level of compensation, land agents encouraged these landowners to provide a current appraisal or other supporting documentation as evidence that the level of compensation was too low.

**V. EFFORTS TO ADDRESS NON-COMPENSATION RELATED CONCERNS**

**Q. Did the owners of the Unsigned Properties raise any concerns other than compensation?**

A. Yes, in some cases. Some landowners were concerned about specific changes to the language of the easement document itself. And other landowners sought changes to pole (structure) locations, although in many instances ATXI was able to address these concerns.

206 **Q. How do land agents respond to concerns regarding the language of the easement?**

207 A. For any concerns not addressed in the standard easement agreement, the CLS agents  
208 inform the landowner that their language concerns will be presented to ATXI and that typically  
209 ATXI would request the negotiation of a confidential settlement agreement (CSA) with the  
210 landowner to address their concerns. I would emphasize a landowner does not have to propose  
211 specific language revisions, rather, depending on the landowner's concern, the agents will  
212 suggest a possible solution to address that specific concern (*i.e.* proposing to address the concern  
213 in a CSA, or recommending the landowner consider a pole relocation request). This is a  
214 progression of the problem-solving phase and specific to the individual landowner and his/her  
215 specific concern. With regard to requests to change the location of structures, for formal  
216 requests, the land agent would prepare a relocation request and then submit that request to ATXI.  
217 As explained by Mr. Trelz, ATXI would then evaluate whether the pole relocation requests could  
218 be accommodated.

219 **VI. NEED FOR EMINENT DOMAIN**

220 **Q. Based on your knowledge of the negotiations for the Unsigned Properties, do you**  
221 **believe that continued negotiation is likely to produce a negotiated resolution for any of the**  
222 **Unsigned Properties?**

223 A. No.

224 **VII. CONCLUSION**

225    **Q.**     **Does this conclude your direct testimony?**

226    **A.**     Yes, it does.

**APPENDIX**

**STATEMENT OF QUALIFICATIONS**  
**AMANDA SLOAN**

I have been employed in the right of way industry providing contract service to companies similar to ATXI for eight years and currently am employed by Contract Land Staff as a Project Manager, with direct project management and supervision of ATXI's Illinois Rivers Project. I have worked in this capacity on the Project since September 2013. Immediately prior to this assignment I was the Project Manager for a 230kV transmission line project on the East Coast. In my career I have performed work as an Abstractor, Survey Support Agent, land agent, Senior land agent as well as a Project Supervisor. I earned my bachelor's degree in International Business and Economics from the State University of New York (SUNY) College at Brockport in Brockport, New York in December 2000.